

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KYLE DAVID MILTON,
Plaintiff,

v.

B.M. TRATE, et al.,
Defendants.

No. 1:22-cv-00988-ADA-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(ECF Nos. 1, 11, 13)

Kyle David Milton (“Plaintiff”) is incarcerated at Atwater U.S. Penitentiary and is proceeding *pro se* and *in forma pauperis* in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 3, 2023, the assigned Magistrate Judge entered findings and recommendations, recommending “that all claims and defendants be dismissed, except for Plaintiff’s Eighth Amendment claims against defendants Trate, Dr. Paltenghi, and Dr. Grassely for deliberate indifference to his serious medical needs and Plaintiff’s Fifth Amendment claims against defendants Trate, Dr. Paltenghi, and Dr. Grassely for violating his equal protection rights.” (ECF No. 13 at 2.)

Plaintiff was provided an opportunity to file objections to the findings and recommendations. The deadline for filing objections has passed and Plaintiff has not filed objections or otherwise responded to the findings and recommendations.

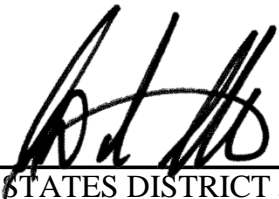
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
2 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 Court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on January 3, 2023, (ECF No. 13), are
6 adopted in full;
- 7 2. All claims and defendants are dismissed, except for Plaintiff's Eighth Amendment
8 claims against defendants Trate, Dr. Paltenghi, and Dr. Grassely for deliberate
9 indifference to his serious medical needs and Plaintiff's Fifth Amendment claims
10 against defendants Trate, Dr. Paltenghi, and Dr. Grassely for violating his equal
11 protection rights; and
- 12 3. The case is referred back to the Magistrate Judge for further proceedings.

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15 IT IS SO ORDERED.

16 Dated: February 14, 2023

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UNITED STATES DISTRICT JUDGE